



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 20 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Shannon Williams, P.E.
Chief Executive Officer
Capital Region Water
Harrisburg, Pennsylvania 17101-7107

Re: **EPA, et al PADEP v. Capital Region Water and City of Harrisburg**
Civil Action No. 1:15-cv-00291-WWC (M.D. Pa)
Demand for Stipulated Penalties

Dear Ms. Williams:

On behalf of the United States, the U. S. Environmental Protection Agency is hereby demanding the payment of stipulated penalties by Capital Region Water (CRW) for violations of and in accordance with the above-referenced Consent Decree. Section X. of the Consent Decree provides for the assessment of stipulated penalties and sets forth the amounts which may be assessed for each specific Consent Decree violation.

Paragraph 27 of the Consent Decree prohibits the discharge of sanitary sewer overflows (SSOs). Paragraph 32 of the Consent Decree requires compliance with all effluent limits set forth in the CRW National Pollutant Discharge Elimination System (NPDES) Permit No. PA 0027197. Paragraph 33.a. of the Consent Decree states that all dry weather overflows (DWOs) from the Combined Sewer System are prohibited. CRW has violated each of these Consent Decree provisions on one or more occasions.

From November 9, 2015 through March 21, 2016, CRW had eleven (11) DWOs in violation of Paragraph 33.a. of the Decree, for which a total stipulated penalty of \$5,500 is assessed.

On October 9, 2015 and April 20, 2016, CRW had two (2) SSOs, caused by 1) a broken sewer line, and 2) a blocked sewer line, for which a total stipulated penalty of \$1,000 is assessed.

Finally, CRW exceeded its NPDES effluent limits for monthly ammonia concentration three (3) times from August through October 2105, for which a total stipulated penalty of \$9,000 is assessed.

The total stipulated penalty demand is \$15,500 for the violations described above.



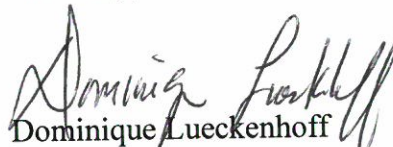
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Included with this letter is a summary detailing each of the Consent Decree violations and the associated stipulated penalty assessed for each one.

According to Paragraph 58 of the Consent Decree, one half of the stipulated penalty amount - \$7,750 - is to be paid to the United States and one half to the Commonwealth of Pennsylvania, within thirty (30) days of a written demand, in the manner specified in Paragraphs 58 a. and b.

Your cooperation in this matter is appreciated. If you have technical questions regarding this matter, please contact Mr. Steve Maslowski, Enforcement Officer at (215) 814-2371. If you have legal questions, please contact Ms. Deane Bartlett, Senior Assistant Regional Counsel, at (215) 814-2776.

Sincerely,



Dominique Lueckenhoff
Acting Director
Water Protection Division

Enclosure:

cc: Nancy Flickinger, Esq., U.S. Department of Justice
Steven A. Hann, Esq.
Deane H. Bartlett, Esq. EPA
Steve Maslowski, EPA
Nels Taber, Esq., PADEP
Victor Landis, PADEP

Summary of Consent Decree Violations by Capital Region Water

Effluent Limit Violations

Date	Parameter	Reported Value	Permit Limit	CD Requirement and Penalty Amount Paragraph 55. b.
August 2015	Ammonia Monthly Average Concentration	19 mg/L	11 mg/L	Paragraph 32 \$3,000
September 2015	Ammonia Monthly Average Concentration	21 mg/L	11 mg/L	Paragraph 32 \$3,000
October 2015	Ammonia Monthly Average Concentration	17 mg/L	11 mg/L	Paragraph 32 \$3,000

Dry Weather Overflows and Sanitary Sewer Overflows

Date	Violation Description	Overflow Volume	CD Requirement and Penalty Amount Paragraph 55. a.
October 9 -13, 2015	SSO at Reilly Street & Asylum Run caused by blockage and a broken sewer line	Unknown	Paragraph 27 \$500
November 9, 2015	DWO at CSO 039 caused by blocked box	760 gallons	Paragraph 33.a \$500
December 20, 2015	SSO at Reilly Street & Asylum Run caused by blockage of sewer line	Unknown	Paragraph 27 \$500
January 4, 2016	DWO at CSO 039 caused by blocked box	Unknown	Paragraph 33.a \$500
January 15, 2016	DWO at CSO 029 caused by blocked siphon	128 gallons	Paragraph 33.a \$500
February 19, 2016	DWO at CSO 025 caused by blocked siphon	98 gallons	Paragraph 33.a \$500
February 25 – March 1, 2016	DWO at CSO 048 that occurred more than 48 hours after a wet weather event	Unknown	Paragraph 33.a \$500
February 27, 2016	DWO at CSO 031 that occurred more than 48 hours after a wet weather event	Unknown	Paragraph 33.a \$500

Date	Violation Description	Overflow Volume	CD Requirement and Penalty Amount Paragraph 55. a.
February 27, 2016	DWO at CSO 034 that occurred more than 48 hours after a wet weather event	Unknown	Paragraph 33.a \$500
March 9, 2016	DWO at CSO 057 caused by a blocked gate	Unknown	Paragraph 33.a \$500
March 13, 2016	DWO at CSO 013 caused by a blocked gate	296 gallons	Paragraph 33.a \$500
March 21, 2016	DWO at CSO 039 caused by blocked siphon	132 gallons	Paragraph 33.a \$500
March 22, 2016	DWO at CSO 029 caused by blocked siphon	232 gallons	Paragraph 33.a \$500